

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

SHON LA'ROY JOHNSON,

Plaintiff,

v.

**PAT GARRETT, DIANA JIMENEZ,
PAUL S.F., SERGEANT MONSON,
SERGEANT LOKE, CORRECTIONS
OFFICER STARR, and CORRECTIONS
OFFICER A. NOLI,**

Defendants.

Case No. 3:20-cv-01935-JR

ORDER ADOPTING F&R

Shon La'Roy Johnson, Eastern Oregon Correctional Institution, 2500 Westgate, Pendleton, OR 97801. Pro se.

John Mansfield, Washington County Counsel, 155 N. First Avenue, MS24, Suite 340, Hillsboro, OR 97124. Attorney for Defendants Pat Garrett, Sergeant Monson, Sergeant Loke, Corrections Officer Starr, and Corrections Officer A. Noli.

Vicki M. Smith and Helaina L. Chinn, Chinn Smith Winters LLP, 4248 Galewood Street, Lake Oswego, OR 97035. Attorneys for Defendants Diana Jimenez and Paul S.F.

IMMERGUT, District Judge.

On March 15, 2023, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation ("F&R"), ECF 70, recommending that Plaintiff's Motion for Leave to File

Amended Complaint, ECF 62, be DENIED, Defendants’ Motions to Strike the Proposed Amended Complaint, ECF 64; ECF 65,¹ be GRANTED, and Plaintiff’s Proposed Amended Complaint, ECF 63, be STRICKEN from the record. No party filed objections. This Court ADOPTS Judge Russo’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court need not review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Still, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

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¹ On October 12, 2022, Defendants Diana Jimenez and Paul S.F. filed a Motion to Strike Plaintiff’s Proposed Amended Complaint. ECF 64. Subsequently, Defendants Pat Garrett, Sergeant Loke, Sergeant Monson, Corrections Officer Starr, and Corrections Officer A. Noli joined Defendants Diana Jimenez and Paul S.F.’s motion in a separately filed Motion to Strike Plaintiff’s Amended Complaint. ECF 65.

CONCLUSION

No party having filed objections, this Court has reviewed the F&R, ECF 70, and accepts Judge Russo's conclusions. Judge Russo's F&R, ECF 70, is adopted in full. Accordingly, this Court DENIES Plaintiff's Motion for Leave to File Amended Complaint, ECF 62, GRANTS Defendants' Motions to Strike the Proposed Amended Complaint, ECF 64; ECF 65, and STRIKES Plaintiff's Proposed Amended Complaint, ECF 63, from the record.

IT IS SO ORDERED.

DATED this 17th day of July, 2023.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge